

**DISTRICT COURT OF THE U.S. VIRGIN ISLANDS
DIVISION OF ST. THOMAS & ST. JOHN**

John St. Rose, Monroe Loctar, and
Derrick James, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

Spartan Concrete Products, LLC, and
Warren Mosler

Defendants.

Case No. 3:19-cv-00117

Jury Trial Demanded

Putative Class Action

**PLAINTIFF MONROSE LOCTAR'S UNOPPOSED MOTION TO FILE HIS MOTION
TO CERTIFY A RULE 23(B)(3) CLASS UNDER PRELIMINARY SEAL**

Plaintiff Monroe Loctar hereby moves to file his motion for class certification, which will be filed on September 1, 2021, preliminarily under seal.¹

As background, Plaintiff, Defendants, and third-party Heavy Materials LLC have entered into a Protective Order that permits documents may be marked "Confidential". Separately, Plaintiff agreed to permit defendant Spartan produce certain records as "Attorney Eyes Only".

Several passages in Plaintiff's motion for class certification quote from documents that Defendants or Heavy Materials have marked "Confidential". Several of the exhibits to the motion have been marked "Confidential" by Defendants or Heavy Materials. And Plaintiff's expert report in support of his motion, which is also an exhibit, is cites "Confidential" materials and is derivative of "Attorney Eyes Only" material.

Plaintiff believes that the entirety of the motion for class certification and all of the exhibits should be publicly filed without redactions, as there is a strong First Amendment interest in permitting

¹ In accordance with Local Rule 7.1, Plaintiff consulted with Defendants on this motion, who indicated that they are not in opposition.

the public to access court records. However, in light of the Protective Order and the important interests of Defendants and third-parties, Plaintiff asks that the motion for class certification be filed preliminarily under seal.

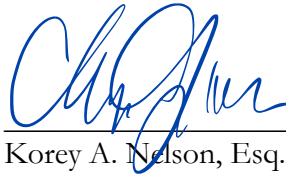
Plaintiff proposes the following conditions and timeline:

1. Within 2 days of the granting of this motion, Plaintiff shall apprise any third-parties who have produced documents as “Confidential” of this motion and the motion for class certification with exhibits.
2. Within 7 days of being apprised by Plaintiff as described above, the third-parties shall inform Plaintiff whether they desire any part of the motion or exhibit to be sealed, and if so, propose redactions for public filing.
3. Within 7 days of the granting of this motion, Defendants shall inform Plaintiff whether it desires any part of the motion and exhibits to be sealed, and if so, proposed redactions for public filing.
4. If no defendant nor third-party timely informs Plaintiff of its desire that any part of the motion or exhibits to be sealed, Plaintiff shall file the motion and exhibits into the public record.
5. However, if timely intention by a defendant or third-party is made known the informing defendant or third-party shall have 14 days to file a Renewed Motion to File Under Seal, with Plaintiff to file any opposition within 7 days, and any reply to be filed within 7 days after any opposition.

WHEREFORE, Plaintiff prays that his motion for leave be granted, that his motion to certify a class be accepted for filing under seal. The proposed conditions and timely protect confidential interests, while recognizing the importance of public access.

DATED: August 27, 2021

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of August, 2021, a copy of the foregoing was served by email on all counsel of record.



C. Jacob Gower, Esq.